

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 62721

David Warshawsky  
Paul Lichter

2506 Velvet Valley Way

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 11, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302 (b)(1), failure to repair front exterior of house on residential property known as 2506 Velvet Valley Way, 21117.

On April 20, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector David Kirby issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The following persons appeared for the Hearing and testified: Paul Lichter, Respondent and Co-Owner and, David Kirby, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 15, 2009 for removal of open dump/junk yard, remove trash and debris, and repair siding on house. A series of Citations have been issued, on October 8, 2009, March 15, 2010, and this Citation on April 20, 2010.

B. Inspector Dave Kirby testified that previous Citations were not enforced. The first Citation was dismissed after re-inspection. A razing permit was applied for in December 2009 but was not issued. The second Citation was put on hold pending the razing permit. This Citation was issued because the property owner has still not obtained a razing permit and has not repaired the building. On April 28, 2010 the house was sold but the County does not know the settlement date.

C. Paul Lichter is a co-owner of the property. He is also the principal and owner of J. Paul Builders, a local homebuilder company. He testified that the sales contract has fallen through. He is not sure whether he wants to raze the house or repair it, and requested an additional 45 days extension.

D. Photographs in the file show a single-family house with brick and siding on the exterior walls. The front wall is half brick and half siding. Photographs show the siding is missing, and the underlying sheathing is exposed to the weather. This is an investment property. Respondents are required by law to maintain the exterior of this house at least in conformance with county code standards, including keeping all exterior surface materials maintained weatherproof and properly surface-coated to prevent deterioration. BCC Article 35, Title 2, Subtitle 4 (Maintenance of Investment Property); BCC Article 35, Title 5, Subtitle 2 (Rental Property). Respondents have failed to maintain this property and have permitted significant deterioration. This kind of inadequate maintenance of investment property is detrimental to communities. See BCC 35-2-402.

E. Respondents must either reinstall the missing siding, or raze the building. Respondent Lichter has the resources and the expertise to correct this code violation, and has received multiple notices from the County since June 2009 requesting correction.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if the violation is corrected by June 22, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 25<sup>th</sup> day of May 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.